

WALSH IS ACQUITTED.

CONCLUSION OF THE MANSLAUGHTER TRIAL LAST NIGHT.

Expert Testimony Favors the Defendant—The Jury Decides Not Guilty in Short Order.

Below is the conclusion of the report of the trial of Andrew Walsh for manslaughter, which was begun in yesterday's BULLETIN:

At the afternoon session the prosecution called: W. H. Lambert, chief of construction on the Wailuku plantation; C. H. Kluge, C. E., and W. E. Rowell, C. E.; then rested.

The defense called John Spencer, C. B. Wells and those a summary of whose evidence follows:

E. L. Vandernellian, chief of construction at Spreckelsville, gave expert evidence. Putting on the brakes suddenly when the engine was pushing a train would be liable to cause an accident of some kind. If the brakes were off Walsh was perfectly justified in putting on steam to go up the grade. When he arrived at the scene of the accident the track had been relaid, the embankment rebuilt and the laborers were surfacing the roadbed. The effect of putting on the brakes going down a grade was not equal to that of doing so going up a grade. If the brakes, but on going down, were left on going up, there would not be an effect like that of a collision, but there would be great resistance. Asked in cross-examination if that resistance would not be more likely to throw off one of the forward cars than the locomotive, he answered that it would be more likely to throw off the next car to the locomotive or the locomotive itself, that was where the strain would come. He did not think it would have been safer to pull than to push the cars on the curve, because the tendency in pushing was to impel the cars to the outside rather than the inside. He could not explain why the engine went off on the inside in consistency with his theory, nor would he undertake to account for the accident at all; if the track was in bad condition, that would account for the accident. From the weight of the rails, the formation of the track, etc., he would say it would not be safer to pull than to push the cars.

Henry Roberts, master mechanic of the O. R. & L. Co., said pushing cars was not good railroading but it had often to be done. It was done on the Oahu railway daily in the rice season; it was a common practice on first-class Eastern roads. An engineer did not like to do it, and it made him cautious in doing it. When the engine was at the head of the train he had full command of it. You must have grades and curves, you cannot build railroads level. Going around a curve excessive speed would put engine off to the outside. If this engine went off on the inside it would be no fault of the engineer; in all his experience he never saw an engine going off on the inside of a curve. With a good rail and the proper inclination he would not consider speed dangerous in rounding a curve. With the track all right there was more pleasure in going round a curve than running on a straight track. If he found an engine off on the inside of a curve, the first thing he would look for would be a break in the engine. With a four percent grade, as he was told there was at the scene of this accident, he would hit it at twenty miles an hour. (Laughter.) Witness told of a grade on the Oahu railway where a speed of twenty-five miles an hour was taken, and then the engineer was glad to just scratch over the summit although the rules allowed him ten miles an hour in passing over it. In pushing cars the engineer did not have the control over his train.

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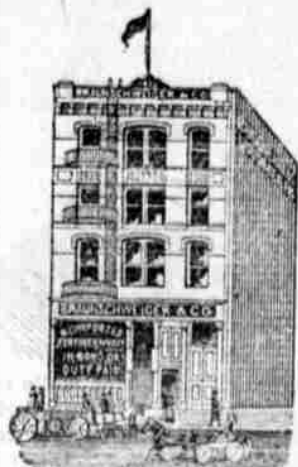
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